



HOUSING NEWS

...Keeping housing issues in the forefront...

Brief History of Olmstead

Many of us have heard of "Olmstead". Most of us know that it was a Supreme Court decision in favor of those with disabilities but you may be asking what it means on a day to day basis for my life. This issue of Housing News is devoted to the Olmstead decision in hopes of answering that question.

In summary, on June 22, 1999, the U.S. Supreme Court ruled in the case *Olmstead v. L.C. and E.W.* that the "integration mandate" of the Americans with Disabilities Act requires public agencies to provide services "in the most integrated setting appropriate to the needs of qualified individuals with disabilities."

Olmstead v. L.C. and E.W. reached the Supreme Court when the Georgia Department of Human Resources appealed a decision by the 11th Circuit that it had violated the ADA's "integration mandate" by segregating two women with mental disabilities in a state psychiatric hospital --long after the agency's treatment professionals had recommended their transfer to community care.

Lois Curtis, 31, and Elaine Wilson, 47, have mental disabilities. Each was hospitalized repeatedly over two decades, with periodic discharges to inappropriate settings - including a homeless shelter --followed by return to the hospital. Only after Atlanta Legal Aid attorney Susan Jamieson brought a lawsuit in 1995 where they moved to a small group home.

Therefore a major outcome of this decision is that disabled people segregated in institutions have used it to require states to provide services in the community. Now it is acknowledged that isolating people with disabilities in institutions is a form of discrimination that violates federal disabilities laws.

The *Olmstead* Decision iterates that individuals with disabilities must be offered services in the most integrated setting, that states have a duty to provide care for person with disabilities in community settings when appropriate. States must reduce unnecessary institutionalization.

Many have been concerned that this would result in the closing of state mental health facilities but the duty of the States is limited to some degree by the Supreme Court decision, by a state's available resources.

The opinion does not require states to close state hospitals, or to create new group home programs. Nor does it require states to make reasonable modifications in their programs to avoid discriminating against people with disabilities or that states make fundamental alterations **if**: the state can show that it has an effective plan to place qualified persons with mental disabilities in less restrictive settings; and the state has a Wait List that moves at a reasonable pace not controlled by a state's interest in keeping institutions fully populated.

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The Olmstead Decision



The Olmstead decision declared that unnecessary segregating and institutionalization of people with disabilities constitutes discrimination and violates the Americans with Disabilities Act. Missouri Protection and Advocacy Services (MO P&A) operates under the idea that individuals with disabilities should be able to reside in the least restrictive environment possible, and in most cases, the community. In order to assist individuals living in the community, MO P&A has recently expanded the Protection and Advocacy for Individuals with Mental Illness (PAIMI) program to include

objectives regarding housing and homelessness.

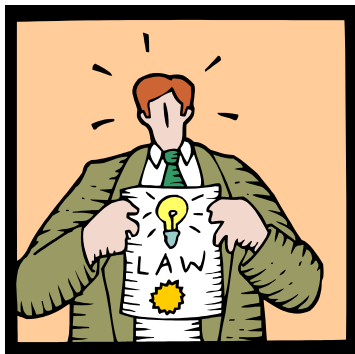
The Housing objective addresses eviction and/or Section 8 voucher denials for individuals with mental illness. Further, MO P&A will investigate housing practices in the St. Louis and Kansas City metropolitan areas. These investigations will include a determination of whether the correct percentages of Section 8 housing are made available to individuals with mental illness.

MO P&A is also creating a pilot program in the St. Louis metropolitan area addressing the rights of indi-

viduals with disabilities that are homeless. MO P&A will provide information to individuals regarding their rights. And, if necessary, provide advocacy to ensure that individuals' rights are not violated.

These objectives were set by the Missouri Protection & Advocacy Board of Directors to address issues that often affect individuals with mental illness living in the community. If you need assistance, please call MO P&A at 1-800-392-8667.

The Commission Is Comprised of 19 Members



- Four (4) of the members shall be the Directors of the Departments of Social Services, Mental Health, and the Commissioner of the Department of Elementary and Secondary Education or their designees;
- Ten (10) of the members shall be selected from the public and appointed by the Governor. They shall include persons with disabilities or family members of persons with disabilities, and representatives of a variety of disability and elderly groups;
- Four (4) of the members shall be selected from the Missouri General Assembly; two (2) shall be appointed by the President Pro Tem of the Senate and two (2) shall be appointed by the Speaker of the House of Representatives; and
- The Lieutenant Governor.

The PIC submitted a report on October 31, 2002 to the Governor and General Assembly which contained specific recommendations for any changes necessary to further the effort to assist eligible persons remaining in or moving to community-based settings or to assist persons to live more independently. There will also be annual reports in 2003 and 2004.

Members of the PIC were appointed in 2001 and have met regularly since March 2002.

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Waiting Lists: As a result of the Olmstead case, a major part of the state's responsibility is to eliminate or shorten.

.Waiting lists for clients in need of services. Fortunately, there is legislation to address this issue in the Department of Mental Health. Senate Bill 266 (as of 4/30/03 it is making its way through the legislative process) addresses waiting lists by implementing a plan towards the reduction of waiting list time. The legislation states that a plan must be completed by November 1, 2003. The following are addressed in this plan:

- A method for reducing the waiting period to ninety days;
- A description of available services;
- An evaluation of the capacity to serve more individuals;

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- A method for determining when out-of-home twenty-four hour care is necessary;
- A description on how the plan will be implemented;
- Any necessary changes to state law;
- An analysis of the monetary effects to providing services to all eligible individuals and their families.

Medicaid: SB 695, another current piece of legislation, could have a huge impact on persons who receive Medicaid services. This bill, still going through the legislative process, would make (Medicaid) services based on "available state funding." In addition, on the national level there is a

proposal to giving state governments more authority in terms of Medicaid spending through administration of "block grants" to the states.

The State of Missouri Budget:

The lagging economy has made budget issues center stage this legislative session. Though there is no resolution on the budget, without revenue increases many services will be severely impacted. State agencies and advocates are (1) planning to work with less, (2) advocating for less cuts, and (3) encouraging the legislature and governor to look for ways to increase revenue.

Makeup of PIC: Due to term limits, there are many new legislators. It is unfortunate that the Commission lost former legislators Senator Betty Sims and Representative Lana Ladd Baker. This leaves Senator Patrick Dougherty and Representative Peter Myers.

Meetings: Due to the legislative session, meetings were pushed to six times per year instead of every month. Thus, the meetings will be in May, July, September, November, and January. Please contact the Governor's Council on Disability for meeting dates and times.

For more information about the PIC, please go to the Governor's Council on Disability website:

[Http://www.dolir.state.mo.us/gcd/PIC/pic.html](http://www.dolir.state.mo.us/gcd/PIC/pic.html)

Jefferson City: May 6 & 7 were both very busy days in Jefferson City. Approximately 30 people attended a Technical Assistance workshop on Olmstead, Housing, and Coalition Building at the Runge Center in Jefferson City on May 6. Mental Health Awareness Day (MHAD) was held at the State Capitol and Truman State Office Building on May 7 and over 500 mental health consumers, family members, advocates, and professionals attended. Two nationally known speakers, Ann Denton and Alan Marzilli, were featured at both events courtesy of a grant funded by the federal Center for Mental Health Services.

Ann Denton is the Director of Housing for Advocates for Human Potential and lives in Austin, Texas. She has extensive system change experience, including the introduction of new housing initiatives at the state and local levels. We had a great mix of people and agencies at the Technical Assistance workshop on May 6; consumer-run drop in centers, staff from DMH—CPS Supportive Community Living offices, and representatives from private mental health providers. Her presentation was filled with an immense amount of information about housing including funding, policies, regulations, and consumer rights. Her presentation was relaxed, informative, and we had a free flow of discussion relevant to each person's perspectives. On May 7, Ann presented two workshops for

MHAD attendees: one on "Affordable Housing in YOUR Community" and the other on "Permanent Supportive Housing".

Alan Marzilli also was featured at both events. Alan provides training for mental health consumers, family members, and administrators on self-advocacy, system-wide advocacy, peer-run services, and community-based mental health services. On May 6 he listened to all of the discussions and added his perspectives on local coalition building which is critical in building community capacity for housing and helping mental health consumers learn about the Olmstead Decision. On May 7th he was our Keynote Speaker for MHAD, spoke at the Rally at the Capitol, and provided an afternoon workshop on the "History of Peer-Run Services".

Our hope is that mental health consumers have not only learned about the Olmstead Decision but have also learned about working with local housing team members and other advocates in their communities to enhance housing opportunities in their communities. People working together for a common cause can be a wonderful and powerful thing. Margaret Mead is quoted as saying "Never doubt that a small group of thoughtful, committed citizens can change the world. It is the only thing that ever has." Now, more than ever, is the time to work together.





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